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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,708	04/02/2004	Jea Yong Yoo	1740-000095/US	9728
30593 7590 07/03/2008 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
CHOI, MICHAEL P				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/815,708

**Applicant(s)**

YOO ET AL.

**Examiner**

Michael Choi

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-7,13,17 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,13,17 and 29-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Claim 3 was not cancelled by the previous response and was examined upon the merits and thus currently cancelled by applicant. Applicant elected Group I which encompassed claims 1-7 (3 inclusive), 13 and 17.
2. Applicant's arguments filed 3/27/08 have been fully considered but they are not persuasive.

As per remarks on pages 7 and 8, applicant argues that Saeki does not include control information that indicates whether reproduction is allowed as recited in the claims. That is, the user in Saeki will always be permitted and able to reproduce video data after interruption but the user in claim 1 may not necessarily be permitted or able to reproduce video data due to the recited control information.

In response, Saeki teaches the navigation information including control information to indicate whether resumption of reproduction of video data is permitted or prohibited in at least Figs. 6, 7, 11; Col. 4, lines 51-53; Col. 12, lines 44-55 as further clarified in that management pack of VOBUs comprising DSI packet wherein each DSI packet contains return addresses to resume reproduction of application, such as a movie after manually pressing MENU on a remote controller, wherein if return address were absent, no resumption from address would be allowed from that address. Further in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., may not necessarily be permitted or able to reproduce video data due to the recited control information) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification

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are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As per remarks on page 8, applicant argues that claims 13 and 17 recite the similar unique feature as recited in claim 1, namely control data indicating whether resuming reproduction is permitted. In response, Saeki teaches the navigation information including control information to indicate whether resumption of reproduction of video data is permitted or prohibited in at least Figs. 6, 7, 11; Col. 4, lines 51-53; Col. 12, lines 44-55 as further clarified in that management pack of VOBUs comprising DSI packets wherein each DSI packet contains return addresses to resume reproduction of application, such as a movie after manually pressing MENU on a remote controller, wherein if return address were absent, no resumption from address would be allowed from that address.

### ***Specification***

3. The disclosure is objected to because of the following informalities: see below.  
Appropriate correction is required.

The amendment filed 3/27/08 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Both "computer-readable medium" and resumption of reproduction of video data is prohibited is nowhere found in the original disclosure and therefore an introduction of new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Objections***

4. Claim 17 is objected to because of the following informalities: it states "a recording unit configured to *records* video data..." Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4-7 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Saeki et al. (US 6,067,400).

**Regarding Claim 1**, Saeki et al. teaches a computer-readable medium storing a data structure for managing reproduction data comprising:

- a first area storing video data (in at least Fig. 16 – video title set having VOB and video title set table with PGC and title information to video data, Figs. 6, 17); and
- a second area storing navigation information for managing the video data (Fig. 16 – VOB position information), the navigation information including control information to indicate whether resumption of reproduction of video data is permitted or prohibited (Figs. 6, 7, 11 – further clarified in that management pack of VOBUs comprising DSI packet wherein each DSI packet contains return addresses to resume reproduction of application, such as movie (Col. 4, lines 51-53) after manually pressing MENU on remote controller,

wherein if return address were absent, no resumption from address would be allowed from that address; Col. 12, lines 44-55 as well as PCI packets).

**Regarding Claim 2**, Saeki et al. teaches the computer-readable medium of claim 1, wherein the video data is stored as a data playing unit, and wherein the data playing unit is a title or a program chain (in at least Fig. 16 – program chain and title information table with PGC and title information to video data, Figs. 6, 17).

**Regarding Claim 4**, Saeki et al. teaches the computer-readable medium of claim 1, wherein the data playing unit is a data section specified by a movie object constituting a title (in at least Fig. 16 – first layer comprised of video title set with VOB).

**Regarding Claim 5**, Saeki et al. teaches the computer-readable medium of claim 4, wherein the control information is recorded in the movie object pertaining to the navigation information (Fig. 16 – VOB position information).

**Regarding Claim 6**, Saeki et al. teaches the computer-readable medium of claim 1, wherein the navigation information further includes commands to conduct operations according to value of the control information (Col. 24, line 60-Col. 25, line 8 – resuming current VOB for menu display).

**Regarding Claim 7**, Saeki et al. teaches the computer-readable medium of claim 1, wherein the control information is applied when menu presentation is called during reproduction

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of the data playing unit (Col. 24, line 60-Col. 25, line 8 – storing return addresses and resuming current VOB for menu display).

**Regarding Claim 29**, Saeki teaches the computer-readable medium of claim 5, wherein the movie object is suspended and maintained when the resumption is permitted (Figs. 6, 7, 11 –each DSI packet contains return addresses to resume reproduction of application, such as movie (Col. 4, lines 51-53) after branching, or suspension, by manually pressing MENU on remote controller with resumption, Col. 24, line 60 - Col. 25, line 25, wherein if return address were absent, no resumption from address would be allowed from that address; Col. 12, lines 44-55 as well as PCI packets).

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 13, 17, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saeki et al. (US 6,067,400) in view of Kashiwagi et al. (US 5,923,869 A).

**Regarding Claim 13**, Saeki et al. teaches a method for recording a data structure for managing reproduction of data on a computer-readable medium, comprising:

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- recording video data on the computer-readable medium (Col. 20, lines 31-38 – storage of PGC with VOB); and
- recording navigation information for managing the video data on the computer-readable medium (Fig. 16 – VOB position information stored along with DSI and PCI packets, Col. 12, lines 44-55), wherein the navigation information includes control information to indicate whether resumption reproduction of the video data is permitted or prohibited (Figs. 6, 7, 11 – further clarified in that management pack of VOBU comprising DSI packet wherein each DSI packet contains return addresses to resume reproduction of application, such as movie (Col. 4, lines 51-53) after manually pressing MENU on remote controller, wherein if return address were absent, no resumption from address would be allowed from that address; Col. 12, lines 44-55 as well as PCI packets).

Saeki et al. fails to explicitly teach recording on the recording medium. Kashiwagi et al. teaches recording on a recording medium (Fig. 2, 1200 – recording onto disc, M).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have video information including the video data to be recorded onto a medium so as to make data portable to be reproduced at various locations.

**Regarding Claim 17**, Saeki et al. teaches an apparatus for recording a data structure for managing reproduction of data on a computer-readable medium, comprising:

- a recording unit configured to record video data on the computer-readable medium (Col. 20, lines 31-38 – storage of PGC with VOB);
- a controller configured to control the recording unit to record the encoded video data (Fig. 20, 93 – control unit; Col. 18, lines 6-15) on the computer-readable medium, and



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- create navigation information for managing the video data (Fig. 16 – VOB position information stored along with DSI and PCI packets, Col. 12, lines 44-55) and control the recording unit to record the created navigation information on the computer-readable medium (Fig. 20, 93 - system control unit), wherein the navigation information includes control information to indicate whether resumption of reproduction of the video data is permitted or prohibited (Figs. 6, 7, 11 – further clarified in that management pack of VOBu comprising DSI packet wherein each DSI packet contains return addresses to resume reproduction of application, such as movie (Col. 4, lines 51-53) after manually pressing MENU on remote controller, wherein if return address were absent, no resumption from address would be allowed from that address; Col. 12, lines 44-55 as well as PCI packets).

Saeki et al. fails to explicitly teach recording on a recording medium and an encoder configured to encode the video data. Kashiwagi et al. teaches recording on a recording medium (Fig. 2, 1200 – recording onto disc, M) and an encoder for encoding video data (in at least Fig. 2, 200, 300, 500, 700).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have video information including the video data to be recorded as well as management information and data to be encoded onto a medium so as to make data portable to be reproduced at various locations.

**Regarding Claim 30**, Saeki teaches the method of claim 13, wherein the video data is stored as a data playing unit, and the data unit is a title (in at least Fig. 16 – program chain and

title information table with PGC and title information to video data, first layer comprised of video title set with VOB; Figs. 6, 17)

**Regarding Claim 31**, Saeki teaches the apparatus of claim 17, wherein the controller controls the recording unit to record the video data as a data playing unit (Col. 20, lines 31-38 – storage of PGC with VOB), and the data playing unit is a title (in at least Fig. 16 – program chain and title information table with PGC and title information to video data, first layer comprised of video title set with VOB; Figs. 6, 17).

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Choi whose telephone number is (571) 272-9594. The examiner can normally be reached on Monday - Friday 9:00AM - 5:30PM (EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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